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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,334	07/18/2003	Wendell Watkins		2510
7590	07/13/2006		EXAMINER	
R. Wayne Pritchard, P.E. Ray, Valdez, McChristian & Jeans, P.C. 5822 Cromo Drive El Paso, TX 79912			CATTUNGAL, SANJAY	
			ART UNIT	PAPER NUMBER
			3768	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,334	WATKINS, WENDELL	
	Examiner Sanjay Cattungal	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04/03/06.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/18/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. This action is in response to applicant's amendment received on April 3<sup>rd</sup>, 2006.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, 4, 6-14, and 16-19, are rejected under 35 U.S.C. 102(b) as being anticipated by Publication titled “Targets and Backgrounds VI: Characterization, Visualization, and the Detection Process” by Watkins et al. (“Watkins”)**

4. Regarding **Claims 1, 4, 6-14, and 16-19**, Watkins teaches a method for training or testing vision comprising the following steps: creating a three-dimensional environment including at least two objects of shape, including a first object and a second object, situated before a background; wherein the space between the first and second object is beyond the horizontal angular extent an individual is able to foveate using attentive vision; positioning the first object and the second object to produce either movement cues, color cues or depth cues; and viewing the first and second object with the left eye and the first and second object with the right eye using pre attentive vision and studying the response of an individual thereto.(Fig. 3; page numbered 61 Paragraph 3; and Page numbered 62 last paragraph through page numbered 63 fist paragraph)

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5. Regarding **Claim 3**, Watkins teaches that the horizontal angular extent is 2 degrees of the entire field width viewed by the individual. (Fig. 3)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

7. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins in view of U. S. Patent No. 2,168,308 to Ames et al. ("Ames")**

9. Regarding **Claim 5**, Watkins teaches all of the above claimed limitations but does not expressly teach the use of an audible sound, unique smell, or specific touch sensation to alert the individual to a correct response.

Ames teaches the use of an audible sound, unique smell, or specific touch sensation to alert the individual to a correct response. (Col. 2 Lines 30-37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Watkins with the use of an audible sound, unique smell, or specific touch sensation to alert the individual to a correct response as taught by Ames, since use of such methods help in training the person for better performing the tasks.

10. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins in view of U. S. Patent No. 6,213,956 Lawton ("Lawton")**

11. Regarding **Claim 15**, Watkins teaches all of the above claimed limitations but does not expressly teach that the system could be used for treatment of dyslexia.

Lawton discloses in his methods and apparatus for diagnosing reading disorders the use of a computer setup for treating dyslexia. (Col. 5 Lines 15-29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Watkins such that the system could be used to treat dyslexia as taught by Lawton, since a setup used to measure contrast sensitivity and motion detection can be used to detect if someone is suffering from dyslexia, and training using such a setup helps in treating dyslexia. (Col. 5 Lines 15-29)

***Response to Amendment***

12. Applicant's remarks have been fully considered but they are deemed moot in view of new grounds of rejection.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjay Cattungal whose telephone number is (571)272-1306. The examiner can normally be reached on 9:30 - 5:00 pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on (571)272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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